

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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|--------------------------|---|--------------------|
| UNITED STATES OF AMERICA |) | Case No.: 08CR0727 |
| Plaintiff, |) | |
| vs. |) | PROOF OF SERVICE |
| CHRISTIAN GUTIERREZ, |) | |
| Defendant. |) | |

IT IS HEREBY CERTIFIED THAT:

I, WILLIAM R. BURGNER, am a citizen of the United States and am at least eighteen years of age. I am employed at the Law Offices of William R. Burgener. My business address is 1775 Hancock Street, Suite 285, San Diego, California 92110-2041.

I am not a party to the above-entitled action. I have caused service of **NOTICE OF MOTION AND MOTION TO: 1.) COMPEL DISCOVERY 2.) LEAVE TO FILE FURTHER MOTIONS and POINTS AND AUTHORITIES IN SUPPORT OF MOTION** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them:

1 1. James Melendres
2 Assistant U.S. Attorney
3 880 Front Street, Rm. 6293
4 San Diego, CA 92101-8893

5 I declare under penalty of perjury that the foregoing is true and correct.
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Dated: April 28, 2008

s/ William R. Burgener
WILLIAM R. BURGNER